

REMARKS

Claims 16-23, 36, 38-42 and 46 have been allowed. However, Claims 1, 2, 10-12 and 45 have been under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,882,823 to Edward D. Weisert, et al. in view of an article by G.A. Salishachev, et al. entitled "Characterization of Submicron-Grained Ti-6Al-4V Sheets with Enhanced Superplastic Properties", U.S. Patent No. 4,820,355 to Clifford C. Bampton and a published PCT application bearing Publication No. WO 95/13406 to Boris B. Movchan, et al. In addition, Claims 5-9 have been rejected over the Weisert '828 patent, the Salishachev article, the Bampton '355 patent and the Movchan '406 publication in further view of U.S. Patent No. 5,118,026 to George W. Stacher. Independent Claim 1 has now been amended as described below to further patentably distinguish the claimed invention from the cited references, taken either individually or in combination. Based upon the amendments to the independent claims, dependent Claim 6 has been cancelled and the dependency of dependent Claims 7-9 has been amended for purposes of consistency. Based on the foregoing amendments and the following remarks, reconsideration of the present application and allowance of the amended set of claims are respectfully requested.

As discussed with the Examiner via an exchange of voice mail on or about October 15, 2008, independent Claim 1 has now been amended to recite that the superplastic formation of the bonded blanks to produce a structural member having a predetermined configuration also forms a layer of alpha case oxide on the structural member. In addition, independent Claim 1 has been amended to include the further step of pickling the structural member following its superplastic formation to remove the alpha case oxide layer. As previously described in detail in the Amendment dated June 10, 2008, none of the cited references teach or suggest pickling the structural member after a superplastic forming operation in order to remove the alpha case oxide layer, as now set forth by amended independent Claim 1. Indeed, the inclusion of a comparable pickling step in independent Claims 16 and 36 (which have now been allowed) was at least one of the reasons that was advanced by the prior Amendment for their patentability.

Since none of the cited references teach or suggest pickling the structural member following superplastic formation of the bonded blanks to remove the alpha case oxide layer formed thereon during the superplastic formation operation, it is submitted that it logically follows that no combination of the cited references teaches or suggests the pickling step. As

such, the rejection of independent Claim 1, as amended, as well as the claims which depend therefrom, is therefore overcome.

The Official Action also provisionally rejected Claims 1, 10 and 45 on the ground of nonstatutory obviousness-double patenting as being unpatentable over Claims 1-3 and 8 of co-pending U.S. Patent Application No. 11/272,244 (the '244 application). The '244 application has not yet issued as a patent and, as such, this rejection remains provisional in nature. Accordingly, a substantive responsive, such as the submittal of a Terminal Disclaimer, is respectfully deferred until such time, if any, during the pendency of the present application that the '244 application has matured into a patent. As such, the provisional rejection of Claims 1, 10 and 45 on the ground of nonstatutory obviousness-double patenting is therefore traversed.

CONCLUSION


In view of the claim amendments presented above, Applicant submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

The patentability of the independent claims has been argued as set forth above and thus Applicants will not take this opportunity to argue the merits of the rejection with regard to the dependent claims. However, Applicants do not concede that the dependent claims are not independently patentable and reserve the right to argue the patentability of the dependent claims at a later date if necessary.

Appl. No.: 10/813,892
Amdt. dated December 8, 2008

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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